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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,351	12/01/2003	Christopher P. Messina	1171.004US1	1287
21186 7590 08/19/2009 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER PYO, MONICA M				
ART UNIT 2161		PAPER NUMBER		
NOTIFICATION DATE 08/19/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
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### Office Action Summary

**Application No.**

10/725,351

**Applicant(s)**

MESSINA ET AL

**Examiner**

MONICA M. PYO

**Art Unit**

2161

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/888)
- Paper No(s)/Mail Date 7/13/09
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/13/2009 has been entered.
2. Currently, claims 1-15 and 18-31 are pending in this application. Claims 1, 4-5, 14-15 and 30 are independent claims. Claims 1-15 and 30-31 are rejected.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 7/13/2009 was filed and considered by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-12, 14-15 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0848338 issued to Bunney et al. (hereinafter Bunney) in view of Japanese Application Publication No. JP-06-301577 issued to Saito Takahiro (hereinafter Saito).

Regarding Claim 1, Bunney discloses a computerized system for automatically posting and retrieving information to and from databases on a computer network, the system comprising:

**A). means for posting one or more first documents stored at a first database to one or more second databases in the computer network**, as an automatic content posting system (Bunney: pg. 3, lns. 15-21; pg. 6, lns. 45-pg. 7, lns. 44);

**B). means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents**, as an automatic update tracking system (Bunney: pg. 6, lns. 1-43); and

**C). means for providing access at the first database to one or more of the automatically collected second documents, including means for excluding one or more of the second documents, based on user- or administrator-defined criteria**, as an automatic content posting system (Bunney: pg. 7, lns. 53- pg. 8, lns. 38).

Although Bunney discloses a feature of an automatic update tracking system, Bunney does not explicitly disclose a feature of means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents. However, such feature is well known in the art as disclosed in Saito (Saito: pgs. 4-5, [0050-0055]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

Regarding claim 4, Bunney discloses a computerized system comprising:

a first database accessible via a computer network (Bunney: pg. 3, lns. 15-21);

means for updating the user-or administrator-defined search criteria based on user interaction with any data incorporated into the first database (Bunney: pg. 4, lns. 20-31; pg. 6, lns. 1-43; pg. 7, lns. 53-pg. 8, lns. 3).

Bunney discloses a feature of an automatic content posting system, Bunney does not explicitly disclose the system comprising a feature of means for incorporate data, based on user-or administrator-defined topical search criteria, from one or more other databases into the first database, however, such feature is well known in the art as disclosed in Saito (Saito: pg. 3, [0024]; pg. 4, [0043-0046]; pg. 5, [0057-0059]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

Regarding Claims 5, 12, 14 and 15, Bunney discloses a computerized system for automatically posting and retrieving information and from sites on a computer network, the system comprising:

**means, responsive to user-defined keywords or parameters (i.e., frequency set by user), for automatically searching and retrieving documents from one or more first sites on the computer network on a periodic, scheduled, or event-driven basis, as the automatic update tracking system (Bunney: pg. 5, lns. 56-58; pg. 6, lns. 26-38; fig. 4A) including:**

**means for posting one or more of the retrieved documents to a second site, as the automatic content posting system automatically adds the article to the news page of the relevant forum (Bunney: pg. 8, lns. 26-36);**

**means, responsive to users of the second site posting documents to one or more of the first sites, for automatically retrieving and collecting reply documents that are associated with the posted documents on the one or more first sites, including means for excluding one or more of the reply documents based on user- or administrator-defined criteria,** a number of articles on the relevant topic together to pages containing the complete text of the articles (Bunney: pg. 8, Ins. 8-16 and 35-38).

Bunney does not explicitly disclose features of means for using results of past searches to improve search results and means for allowing users of the second site to post documents to one or more of the first sites, however, such features are well known in the art as disclosed in Saito (Saito: pg. 3, [0034-0036]; pgs. 9-10, [0122-0129]; pg. 11, [0141-0145]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

Regarding Claim 6, Bunney and Saito disclose the system wherein the means for posting one or more of the retrieved documents, includes:

means, responsive to an adjustable threshold, for including or excluding documents from the second site (Bunney: pg. 8, Ins. 42-43).

Regarding Claim 7, Bunney and Saito disclose the system wherein the means for allowing users of the second site to post documents to one or more of the first sites, includes:

means for associating one or more of the posted documents with one or more of the retrieved documents (Bunney: pg. 6, lns. 12-21).

Regarding Claim 8, Bunney and Saito disclose the system further including means for allowing a user of the second site to define or select the keywords and parameters and/or the first sites (Bunney: pg. 7, lns. 46-50; pg. 8, lns. 32-34).

Regarding Claim 9, Bunney and Saito disclose the system wherein one or more of the posted documents is sponsored by a commercial entity (Bunney: pg. 3, lns. 4-8).

Regarding Claim 10, Bunney and Saito disclose the system wherein one or more of the posted documents concerns an offer to sell merchandise or other private property (Bunney: pg. 3, lns. 9-11).

Regarding Claim 11, Bunney and Saito disclose the system wherein one or more of the retrieved or posted documents comprises a hyperlink (Bunney: pg. 2, lns. 28-32).

Regarding claim 31, Bunney and Saito discloses the method wherein incorporating data from the two or more separate network accessible database includes retrieving data that satisfies the topical search criteria and rejecting a portion of the retrieved data based on exclusion criteria (Bunney: pg. 8, lns. 20-28).

6. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney in view of Saito as applied to claims 1, 4-12, 14-15 and 30-31 above, and further in view of U.S. Patent No. 6,292,796 issued to Drucker et al. (hereinafter Drucker).

Regarding Claims 2 and 13, Bunney and Saito disclose the system wherein the first and second documents. Bunney does not explicitly disclose documents concern medical or health information, however, such feature is well known in the art as disclosed in Drucker (Drucker: col. 1, lns. 25-28 and 34-40) and it would have been obvious to one with ordinary skill in the art at the time of invention to utilize the teachings of Drucker in the systems of Bunney and Saito in view of improving a data accessing system.

Regarding Claim 3, while Bunney and Saito disclose the system wherein the first and second documents displaying a newspaper (Bunney: col. 6, lns. 51-54; col. 7, lns. 9-20) which possibly can contain articles and information about many different searching topics, Bunney does not explicitly disclose documents concern knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex. However, Drucker explicitly discloses a feature of concerning a type of disease (Drucker: col. 10, lns. 56-64) and it would have been obvious to one with ordinary skill in the art at the time of invention to utilize



the teachings of Drucker in the systems of Bunney and Saito in view of improving a data accessing system.

Although Bunney, Saito and Drucker do not explicitly identify all of claimed searching topics (i.e., topics of knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.), the Examiner takes an official notice that the claimed search topics are well known in the Internet searching art. Furthermore, the specific content of searching topics, whether the searching topic is just one or a plurality of topics, does not provide any patentable weight to claim.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-15 and 30-31 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo  
Examiner  
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08/2009

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